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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,131	02/12/2002	David Jeffery Hayes	PT03772U	6604
7590 07/30/2010				
Randi L. Dulancy Motorola, Inc. Law Department 8000 West Sunrise Boulevard Fort Lauderdale, FL 33322			EXAMINER PENG, FRED H	
			ART UNIT 2426	PAPER NUMBER
			MAIL DATE 07/30/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/074,131

Applicant(s)

HAYES ET AL.

Examiner

FRED PENG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34, 36-70 and 72-86 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-34, 36-70 and 72-86 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/06/2008 has been entered.

DETAILED ACTION

Status of Claims

2. Claims 1-34, 36-70 and 72-86 are pending in this application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 31 and 64 recite the limitation "the first device...the second device..." in ...a first system and a second system, wherein the first device operates within the first system and the second device operates.... There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 4-9, 24, 28, 31-32, 34, 36-38, 50, 55, 58, 61, 64, 66-70, 72-73 and 81 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakata et al (US 2006/0271993).

Regarding claims 1, 31, 64 and 81, Nakata discloses a communication system (FIG.1, 1) having a plurality of clients including a first client and a second client (FIG.1, 3A, 3B), a method for providing continuity of at least one broadcast event between the plurality of clients (FIG.1, 3A, 3B) comprising:

monitoring the at least one broadcast event by the first client (Para 74 lines 1-8; Para 75 lines 1-6; Para 111 lines 4-11), and

launching monitoring of the at least one broadcast event by the second client in response to an occurrence associated with the at least one broadcast event (Para 79 lines 4-7; Para 82 lines 1-6; Para 83 lines 1-6; Para 86 lines 5-10),

wherein the communication system (1) comprises a first system (monitor device 3A in one room such as living room connected to the optical disk device through the network I/F as the first system) and a second system (monitor device 3B in another room such as bed room connected to the optical disk device through the network I/F as the second system), wherein the first device (3A) operates within the first system and the second device (3B) operates within the second system.

Regarding claims 2 and 32, Nakata further discloses disabling monitoring of the at least one broadcast event by the first client (Para 81 lines 1-4).

Regarding claims 4, 34 and 66, Nakata further discloses one or a combination of broadcast events selected from a group consisting of a sports game, a simulcast concert, a television program (Para 111 lines 5-9), a networked program, and a radio program.

Regarding claims 5, 58 and 67, Nakata further discloses the occurrence comprising one or a combination of occurrences selected from a group consisting of an event start time, a user input received by the first client, a user input received by the second client (Para 82 lines 1-6), a deactivation of the first client, an activation of the second client, and an establishment of a communication connection between the first client and the second client.

Regarding claims 6 and 68, Nakata further discloses the first client operating within a first device (FIG.1, 3A) and further wherein the second client operating within a second device (FIG.1, 3B).

Regarding claims 7, 36, 69, and 72, Nakata further discloses the first device is a device selected from a group consisting of a network device (FIG.1, 3A), a mobile device, and a cable box.

Regarding claims 8, 37, 70 and 73, Nakata further discloses the second device is a device selected from a group consisting of a network device (FIG.1, 3B), a mobile device, and a cable box.

Regarding claims 9, 38 and 61, Nakata further discloses initiating a broadcast monitoring transfer prior to the launching step (Para 77 lines 1-6; Para 79 lines 4-7).

Regarding claims 24 and 50, Nakata further discloses the occurrence comprises:
sending a monitoring notification from the first client to the second client (Para 77; Para 78).

Regarding claims 28 and 55, Nakata further discloses the occurrence comprises:

sending a monitoring notification from the second client to the first client (FIG.1, 3A, 3B are identical set-up, the operation between them are identical, this includes sending a monitoring notification from 3B to 3A).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 33 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata et al (US 2006/0271993) in view of Russell et al (US 2002/0049679).

Regarding claims 3, 33 and 65, Nakata does disclose all the limitations in Claims 1, 31 and 64.

Nakata is silent about transferring a monitoring license from the first client to the second client prior to the launching step.

In an analogous art, Russell teaches transferring a monitoring license from the first client to the second client prior to the launching step (Para 67 lines 1-6).

Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to modify Nakata's system to include transferring a monitoring license from one client to another client prior to the launching step, as taught by Russell so that a licensed copy can be better protected.

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7. Claims 10-23, 25-27, 29-30, 39-49, 51-54, 56-57, 59-60, 62-63, 74-80, 82-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata et al (US 2006/0271993) in view of Finseth et al (US 2005/0028207).

Regarding Claims 10, 74 and 82, Nakata discloses all the limitations in Claims 1, 9, 64, 68 and 81.

Nakata is silent about storing at least one transfer client profile associated with at least one of the plurality of clients in the first client prior to the initiating a broadcast monitoring transfer step, wherein the initiating a broadcast monitoring transfer step includes choosing the second client from the stored at least one transfer client profile.

In an analogous art, Finseth teaches storing at least one transfer client profile associated with at least one of the plurality of clients in the first client prior to the initiating a broadcast monitoring transfer step (FIG.7; Para 81 lines 1-6), wherein the initiating a broadcast monitoring transfer step includes choosing the second client from the stored at least one transfer client profile (Para 81 lines 9-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakata's system to include storing at least one transfer client profile associated with at least one of the plurality of clients in the first client prior to the initiating a broadcast monitoring transfer step, wherein the initiating a broadcast monitoring transfer step includes choosing the second client from the stored at least one transfer client profile, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claims 11, 75 and 83, Nakata discloses all the limitations in Claims 1, 9, 64, 68 and 81.

Nakata is silent about storing at least one transfer client profile associated with at least one of the plurality of clients including a second client profile associated with the second client in the first client prior to the initiating a broadcast monitoring transfer step; and

linking the second client profile with the at least one broadcast event, wherein the initiating a broadcast monitoring transfer step includes retrieving from storage the second client profile linked to the at least one broadcast event.

In an analogous art, Finseth teaches storing at least one transfer client profile associated with at least one of the plurality of clients including a second client profile associated with the second client in the first client prior to the initiating a broadcast monitoring transfer step (FIG. 9, 174, Para 92 lines 3-10); and linking the second client profile with the at least one broadcast event, wherein the initiating a broadcast monitoring transfer step includes retrieving from storage the second client profile linked to the at least one broadcast event (Para 92 lines 11-13).

Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to modify Nakata's system to include storing at least one transfer client profile associated with at least one of the plurality of clients including a second client profile associated with the second client in the first client prior to the initiating a broadcast monitoring transfer step; and linking the second client profile with the at least one broadcast event, wherein the initiating a broadcast monitoring transfer step includes retrieving from storage the second client profile linked to the at least one broadcast event, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claims 12, 76 and 84, Nakata discloses all the limitations in Claims 1, 9, 64, 68 and 81.

Nakata is silent about storing at least one transfer client profile associated with at least one of the plurality of clients including a second client profile associated with the second client in the first client prior to the initiating a broadcast monitoring transfer step; and linking the second client profile with a broadcast channel, wherein the initiating a broadcast monitoring transfer step

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includes identifying the broadcast channel associated with the at least one broadcast event, and retrieving from storage the second client profile linked to the at least one broadcast channel.

In an analogous art, Finseth teaches storing at least one transfer client profile associated with at least one of the plurality of clients including a second client profile associated with the second client in the first client prior to the initiating a broadcast monitoring transfer step; and linking the second client profile with a broadcast channel, wherein the initiating a broadcast monitoring transfer step includes:

identifying the broadcast channel associated with the at least one broadcast event (Para 84 lines 1-3), and

retrieving from storage the second client profile linked to the at least one broadcast channel (Para 84 lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakata's system to include storing at least one transfer client profile associated with at least one of the plurality of clients including a second client profile associated with the second client in the first client prior to the initiating a broadcast monitoring transfer step; and linking the second client profile with a broadcast channel, wherein the initiating a broadcast monitoring transfer step including identifying the broadcast channel associated with the at least one broadcast event; and retrieving from storage the second client profile linked to the at least one broadcast channel, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claims 13, 77 and 85, Nakata discloses all the limitations in Claims 1, 9, 64, 68 and 81.

Nakata is silent about linking the second client profile with a time period, wherein the initiating a broadcast monitoring transfer step includes:

identifying the time period associated with the at least one broadcast event; and

retrieving from storage the second client profile linked to the time period.

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In an analogous art, Finseth teaches linking the second client profile with a time period (FIG.12, 206), wherein the initiating a broadcast monitoring transfer step includes:

identifying the time period associated with the at least one broadcast event (FIG.12, 206);
and

retrieving from storage the second client profile linked to the time period (FIG.12, 208, Para 96 lines 1-5).

Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to modify Nakata's system to include linking the second client profile with a time period, wherein the initiating a broadcast monitoring transfer step including identifying the time period associated with the at least one broadcast event; and retrieving from storage the second client profile linked to the time period, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claims 14, 39, 78 and 86, Nakata discloses all the limitations in Claims 1, 9, 64, 68 and 81. Nakata further discloses sending a monitoring notification from the first client to the second client, wherein the monitoring notification includes a broadcast channel identifier (Para 111 lines 8-13).

Nakata is silent about sending a request for a plurality of broadcast information associated with the at least one broadcast event from the second client to the broadcast server; and receiving the plurality of broadcast information from the broadcast server by the second client.

In an analogous art, Finseth teaches sending a request for a plurality of broadcast information associated with the at least one broadcast event from the second client to the broadcast server (Para 84 lines 1-5); and

receiving the plurality of broadcast information from the broadcast server by the second client (Para 84 lines 1-5, building his/her own program guide requires requesting and receiving broadcast information from the broadcast server).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nakata's system to include sending a request for a plurality of broadcast information associated with the at least one broadcast event from the second client to the broadcast server; and receiving the plurality of broadcast information from the broadcast server by the second client, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claim 15, the claim is met by Nakata and Finseth. In particular, Finseth discloses the monitoring notification including a time stamp (Para 82 lines 1-5, transmission through the internet includes the time stamp).

Regarding Claims 16, 40 and 79, Finseth further discloses one or a combination of broadcast information selected from a group consisting of an event start time, an event end time, a plurality of event connection information, and a plurality of media information (Para 81 lines 3-6).

Regarding Claims 17, 41 and 80, Finseth further discloses the plurality of media information including a plurality of canned content information (Para 84 lines 1-5).

Regarding Claims 18 and 43, Nakata discloses all the limitations in Claims 1, 9, 31 and 38.

Nakata is silent about sending a request for a plurality of broadcast information associated with the at least one broadcast event from the first client to the broadcast server; receiving the plurality of broadcast information from the broadcast server by the first client; and

sending a monitoring notification from the first client to the second client, wherein the monitoring notification includes the plurality of broadcast information.

In an analogous art, Finseth teaches sending a request for a plurality of broadcast information associated with the at least one broadcast event from the first client to the broadcast server;

receiving the plurality of broadcast information from the broadcast server by the first client (FIG.4, 88A, Para 64 lines 7-12, Para 70 lines 1-5); and

sending a monitoring notification from the first client to the second client, wherein the monitoring notification includes the plurality of broadcast information (Para 80).

Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to modify Nakata's system to include sending a request for a plurality of broadcast information associated with the at least one broadcast event from the first client to the broadcast server; receiving the plurality of broadcast information from the broadcast server by the first client; and sending a monitoring notification from the first client to the second client, wherein the monitoring notification includes the plurality of broadcast information taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claim 19, Finseth further discloses one or a combination of broadcast information selected from a group consisting of an event start time, an event end time, a plurality of event connection information, and a plurality of media information (FIG.4, 94; Para 80 lines 4-6).

Regarding Claims 20 and 44, Finseth further discloses the plurality of media information including a plurality of canned content information (FIG.4, 106).

Regarding Claims 21, 29, 46 and 56, Nakata does disclose all the limitations in Claims 1, 9, 28, 31, and 55. Nakata further discloses sending a monitoring notification from the first client to the second client (Para 111 lines 8-13).

Nakata is silent about requesting a plurality of broadcast information by the second client prior to the launching step in response to the monitoring notification; and

sending the plurality of broadcast information from the first client to the second client in response to the requesting step.

In an analogous art, Finseth teaches requesting a plurality of broadcast information by the second client prior to the launching step in response to the monitoring notification (Para 91 lines 1-3, in order to view the program guide, viewer needs to request, like using remote control); and sending the plurality of broadcast information from the first client to the second client in response to the requesting step (Para 91 lines 1-7, per user's request, server sending the program guide to the receiver).

Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to modify Nakata's system to include requesting a plurality of broadcast information by the second client prior to the launching step in response to the monitoring notification; and sending the plurality of broadcast information from the first client to the second client in response to the requesting step, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claims 22 and 47, Finseth further discloses the plurality of broadcast information comprising one or a combination of broadcast information selected from a group consisting of an event start time, an event end time, a plurality of event connection information, and a plurality of media information (FIG.4, 94).

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Regarding Claims 23 and 48, Finseth further discloses the plurality of media information includes a plurality of canned content information (FIG.4, 106).

Regarding Claims 25 and 51, Nakata discloses all the limitations in Claims 1, 24, 31, and 50.

Nakata is silent about the monitoring notification including a plurality of broadcast information.

In an analogous art, Finseth teaches the monitoring notification including a plurality of broadcast information (FIG.4, 94).

Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to modify Nakata's system to include the monitoring notification including a plurality of broadcast information, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claims 26 and 52, Finseth further discloses the plurality of broadcast information comprising one or a combination of broadcast information selected from a group consisting of an event start time, an event end time, a plurality of event connection information, and a plurality of media information (FIG.4, 94).

Regarding Claims 27 and 53, Finseth further discloses the plurality of media information including a plurality of canned content information (FIG.4, 106).

Regarding Claims 30 and 57, Nakata discloses all the limitations in Claims 1, 28, 31, and 55.

Nakata is silent about the monitoring notification including a second client profile.

In an analogous art, Finseth teaches the monitoring notification including a second client profile (FIG.9, 176A).

Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to modify Nakata's system to include the monitoring notification including a second client profile, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claim 42, Finseth further discloses a plurality of canned content information is associated with the at least one broadcast event (FIG.4, 106), the method further comprising:

determining the plurality of canned content information by the second device in response to the receiving of the plurality of broadcast information step (FIG.7, 140, Para 84, lines 1-5).

Regarding Claims 45, 49 and 54, Finseth further discloses receiving the monitoring notification including the plurality of broadcast information by the second transfer application operating within the second device (FIG.7, 138, Para 83); and

determining the plurality of canned content information by the second device in response to the receiving of the monitoring notification including the plurality of broadcast information step (FIG.7, 140, Para 84).

Regarding Claim 59, Nakata discloses all the limitations in Claim 31.

Nakata is silent about downloading an event monitoring application by the second device prior to the launching step.

In an analogous art, Finseth teaches downloading an event monitoring application by the second device prior to the launching step (Para 84, build a personal program guide based on the information from first device).

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to modify Nakata's system to include downloading an event monitoring application by the second device prior to the launching step, as taught by Finseth so that more information regarding broadcast program can be shared.

Regarding Claim 60, Finseth further discloses receiving a navigational path from the first device by the second device prior to the downloading step (the shared viewing preference information from 1st device to the 2nd device is a navigational path), wherein the downloading step comprising downloading the event monitoring application using the navigational path (Para 84 lines 1-7).

Regarding Claim 62, Nakata discloses within a communication system (FIG.1, 1, Para 111 lines 4-8) having a plurality of devices including a first device (FIG.1, 3A) and a second device (FIG.1, 3B), a method for providing continuity of at least one broadcast event between the plurality of devices comprising:

monitoring the at least one broadcast event by a first client on the first device (FIG.1, 3A) ; transferring a plurality of broadcast information associated with the at least one broadcast event from the first device to the second device (Para 111 lines 4-13);

wherein the communication system (1) comprises a first system (monitor device 3A in one room such as living room connected to the optical disk device through the network I/F as the first system) and a second system (monitor device 3B in another room such as bed room connected to the optical disk device through the network I/F as the second system), wherein the

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first device (3A) operates within the first system and the second device (3B) operates within the second system.

Nakata is silent about sending the plurality of broadcast information from the second device to the third device in response to an occurrence associated with the at least one broadcast event; and

launching monitoring of the at least one broadcast event by a third client on the third device in response receiving the plurality of broadcast information sent from the second device.

In an analogous art, Finseth teaches monitoring of the at least one broadcast event by a third client on the third device in response receiving the plurality of broadcast information sent from the second device (Para 87 lines 1-14, server is the 2nd client, the remaining group members is the 3rd client).

Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to modify Nakata's system to include monitoring of the at least one broadcast event by a third client on the third device in response receiving the plurality of broadcast information sent from the second device, as taught by Finseth so more viewers can share the broadcast information.

Regarding Claim 63, Nakata further discloses **the occurrence comprising** one or a combination of occurrences selected from a group consisting of an event start time, **a user input received by the first device** (Para 77 lines 1-6), a user input received by the second device, a user input received by the third device, a detection of movement of the third device, a deactivation of the first device, a deactivation of the first client, an activation of the third device, an activation of a first transfer application operating within the first device, an activation of a second transfer application operating within the second device, an activation of a third transfer application operating within the third device, an establishment of a communication connection between the

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first device and the second device, and an establishment of a communication connection between the second device and the third device.

Response to Arguments

8. Applicant's arguments with respect to claims 1-34, 36-70 and 72-86 have been considered but are moot in view of the new ground(s) of rejection.

In reference to Applicant's arguments

Despite this statement, Applicant still traverses the rejections based upon Nakata in that Nakata teaches a single communication system having a bus-system architecture. By contrast, Applicant's claimed invention enables the transfer of monitoring from one communication system to another, even when those systems are different. For instance, monitoring can be transferred from a cable box, operating on a cable network, to a mobile device operating on a wireless network.

Examiner's response

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., transfer of monitoring from one communication system to another, even when those systems are different) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In reference to Applicant's arguments

Claims 1, 31, 62, 64, and 81 each recite systems having multiple communication systems, where one device works with one communication system and another device works with another communication system. As Nakata fails to teach the transfer of monitoring from a first device to a second device in such a fashion, Applicant respectfully submits that independent

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claims 1, 31, 62, 64, and 81 are patentably distinct from Nakata. Applicant respectfully requests reconsideration of the rejection of these claims.

Examiner's response

The Examiner respectfully disagrees. The claimed limitations as in Claims 1, 31, 62, 64, and 81 only recite ...a first system and a second system... which is broad and does not distinguish the differences between the two systems that they can be interpreted just as two separate communication systems, such as the embodiment described in FIG.1 of Nakata, that monitor devices 3A and 3B, each is independently communicated to the optical disk device through a respective network I/F. Thus the claimed limitations of "the communication system comprising a first system and a second system, wherein ..." in claims 1, 31, 62, 64, and 81 are not patentably distinct from Nakata.

Conclusion

9. Claims 1-34, 36-70 and 72-86 are rejected.

Correspondence Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fred Peng/

Examiner, Art Unit 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

July 29, 2010